S.B. CR.MISC.BAIL APPL.NO.7570/2007.

Sandeep
Vs.
State

Date of order : 6/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Rajendra Raghav for the petitioner.
Shri Ashvini Sharma PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the offence alleged to have been committed by the petitioner is punishable under Section 489B IPC whereas co-accused Rakesh Kumar against whom similar allegation has been levelled, has already been ordered to be enlarged on bail by the co-ordinate Bench of this Court vide order dated 23/10/2007 passed in SB Cr.Misc.Bail Appl.No.6631/2007. In fact, case of the petitioner is on better footing than that of Rakesh Kumar from whom recovery of currency notes of Rs.100/- each has been made whereas, from the petitioner only two such notes has been recovered. He was arrested on 25/8/2007 and since then, he is in jail. Investigation is almost complete and further detention of the petitioner is no longer required for any purpose of investigation. Trial of the case will take long.

Learned Public Prosecutor has opposed the bail application and has argued that in view of seriousness of allegations against the petitioner, he is not entitled to be enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Sandeep S/o Prabhati Lal shall be released on bail in F.I.R. No.429/2007 P.S. Behror, Alwar for offence under Section 489B IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

anil/-